No. 115. LUCKENBACH TERMINALS, INC. *v.* TOWNSHIP OF NORTH BERGEN ET AL. Appeal from the Court of Chancery of New Jersey. October 14, 1940. *Per Curiam:* The motion to dismiss is granted and the appeal

is dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it. *McCoy* v. *Shaw*, 277 U. S. 302; *Doyle* v. *Atwell*, 261 U. S. 590; *Farson, Son & Co.* v. *Bird*, 248 U. S. 268, 271. *Mr. Clarence Kelsey* for appellant. *Mr. Nicholas S. Schloeder* for North Bergen, and *Mr. John A. Hartpence* for New Jersey Junction R. Co. et al., appellees. Reported below: 125 N. J. Eq. 562; 127 *id.* 93; 6 A. 2d 548; 11 A. 2d 46.